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Turner, Brzezinski at odds on formulation of spying law

By Jack Fuller

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WASHINGTON — The Carter administration, as it begins to draft legislation limiting the powers of intelligence agencies and protecting civil liberties, faces a sharp and significant internal conflict.

Who shall write the legislation, lawyers or intelligence operatives?

The conflict pits CIA Director Stansfield Turner against the President's national security adviser, Zbigniew Brzezinski.

At issue, some government sources say, is whether the administration bill will be restrictive enough to accommodate congressional concerns about the rights of Americans.

THE TRIBUNE has learned that Turner originally proposed creating a committee to work on the so-called "intelligence charter," composed of the general counsels of the intelligence agencies and chaired by CIA general counsel Tony Lapham. But Brzezinski strongly objected to this plan, intelligence sources say.

Brzezinski, who earlier fought to loosen restrictions in a presidential order on intelligence agencies and in the administration's wiretap bill, insisted that the legislation be written by those who actually run intelligence operations, the sources said.

He favors a committee of operational intelligence officials, chaired by CIA Deputy Director Frank Carlucci, the sources said.

THE IDEA OF imposing legislative charters on intelligence agencies grew out of the investigations of the Senate Select Committee on Intelligence Activities, which revealed that spy agencies have been paying little mind to the legality of their operations.

Some critics of the U.S. intelligence apparatus laid part of the blame on the failure of some agencies to consult with their lawyers on questions of law raised by various information-gathering techniques.

Often, during the period of reassessment and reform that followed the select committee's revelations, intelligence agency general counsels found themselves in conflict with operatives over the legality of details in spy operations.

It was learned that the Justice Department favors a committee composed of lawyers to draft the intelligence restrictions.

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